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EXAMINER
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ZHAO, YU

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,534	<b>Applicant(s)</b> NOMURA, TAKASHI	
	<b>Examiner</b> YU ZHAO	<b>Art Unit</b> 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on February 17, 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>April 23, 2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Acknowledgment is made of applicant's amendment filed on **February 17, 2009**.

**Claims 1-13 are presented for examination.**

**Claims 1-12 are amended.**

**Claim 13 is added.**

**Specification Objections are withdrawal** in light of amendment by the applicant.

**Claim Objections are withdrawal** in light of amendment by the applicant.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on **April 23, 2009** is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Response to Argument*

3. Applicant's arguments filed in the amendment filed on **February 17, 2009**, have been fully considered but they are not deemed persuasive:

**Applicants argue that**, "As can be seen, for example, from the exemplary embodiment of Figure 4, the update data (Figures 4a - 4c) includes *search-related information and is different from data specified based upon search tree data*. In other words, the update data are not transmitted in a format that will include a search tree and substance data (see paragraph [0033]; see also paragraph [0032])."

The Examiner respectfully disagrees. The phrase “the update data **are not transmitted** in a format that **will include a search tree and substance data**” in the claim language. Also, the newly added limitation “search-related information and is different from data specified based upon search tree data” can not be interpreted as “the update data **are not transmitted** in a format that **will include a search tree and substance data.**” The newly added limitation merely teaches “search-related information and **is different** from data specified based upon search tree data, separately from the data constituted with the search tree data and the plurality of set of substance data...” It does not teach WHAT the difference is. Also, the limitation is not clear on the term “separately”, where “separately” can be broadly interpreted as the update data is stored in a separate location than a plurality set of substance data.

Further, applicant argued “the **update data are not transmitted** in a format that will include a **search tree** and **substance data**” and pointed to Fig. 4. However, in Fig. 4, it shows that the update data does include “INDEX”, “SUBSTANCE NAME” and “SUBSTANCE POSITION.” (e.g. Fig. 4, item 31, item 33 and item 34). Isn’t “INDEX” a search tree (e.g.: Search Tree Index)? And aren’t “SUBSTANCE NAME” and “SUBSTANCE POSITION” a part of “substance data”?

The term “a search tree” is broad, it can be interpreted as “a full/complete search tree” or “partial search tree.” If applicant would like to disclose the update data is not transmitted in a format that will include a completed search tree and substance data. Applicant should further amend the claim to clarify it.

With the broadest interpretation, Tanaka et al. disclose “**providing a set of substance data, which has search-related information and is different from data specified based upon the search tree data, separately from the data constituted with the search tree data and the plurality of sets of substance data specified based upon the search tree data**” (Tanaka et al.: page 1, paragraph [0009], “When a user inputs a **new location** other than the plurality of locations, the navigation system **registers and stores data** of the **new location** in the rewritable memory in addition to the data of the plurality of locations. When a user requests a search of a target location from the external side, the navigation system searches the rewritable memory for the target location with **reference to the data of the plurality of locations and the new location.**”, page 2, paragraph [0039], “...the control unit 8 then forms a new search list...**separately** from the original search list”) where “providing data constituted with search tree data and a plurality of set of substance data” is read on “the plurality of locations”, where “providing a set of substance data” is read on “a new location”, and “separately from the data” is read on “the navigation system searches the rewritable memory for the target location with reference to the data of *the plurality of locations and the new location.*”

Tanaka et al. also disclose “**executing a substance data search by using both the search tree data of the search data prior to an update and the search-related information of the provided set of substance data.**” (Tanaka et al.: page 2,

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paragraph [0040], "The control unit 8 executes the alphabet-based search...and searches for the target location from the input location name at step 402 by **using both the original (normal) search list and the new search list**...").

**Applicants argue that**, "Regarding Applicants' dependent claim 2, the method stores the provided set of substance data having search-related information as update data in the navigation apparatus separately from the search tree data and the plurality of sets of substance data specified based upon the search tree data, without updating the search tree data or creating new search tree data. Hereto, Tanaka fails to disclose or suggest such a feature. Hence, Applicants submit claim 2 is also patentable over Tanaka."

The Examiner respectfully disagrees. Since the claim limitation is OR condition. It can be broadly interpreted as either "**without** updating the search tree data" **OR** "**without** creating new search tree data." Tanaka discloses "**without** updating the search tree data" in page 2, paragraphs [0039]-[0040], "...a new search tree is formed in the new search list in addition to the original search tree shown in FIG. 7A..." And Tanaka discloses "**without** creating new search tree data." In page 2, paragraphs [0033]-[0036], "The location data may be the coordinate specified by the cursor on the displayed map. The control unit 8 then updates the search list at step 102 by adding the name of the memory location."

### ***Claim Objections***

4. **Claims 1, 2, 3 and 13** are objected to because of the following informalities:

**Claim 1** recites “providing data constituted with search tree data and **a plurality of sets of substance data...**” (claim 1, lines 3-4) and “providing **a set of substance data, which has** search-related...” (claim 1, line 6) Is "a set of substance data" a part of “**a plurality of set** of substance data”? Or, is "a set of substance data" ANOTHER set which is DIFFERENT than “a plurality of set of substance data”? If they are different, the claim limitation should say so.

Further, the newly added limitation recites “executing a substance data search...and the search-related information of **the provided set of substance data.**”

What does "the provided set of substance data" refer to? (e.g.: “**a plurality of sets of substance data**” or “**a set of substance data**”?)

Clarification is required.

**Claim 1** recites “providing a set of substance data, which has search-related information and is different from data specified based upon the search tree data, separately from the data constituted with the search tree data and the plurality of sets of substance data specified based upon the search tree data.” The above claimed limitations are confusing and not clear, which leaves the examiner in doubt about the features to which they refer. Is the cited phrase “is different from data specified based upon the search tree data” the further limitation of “substance data” or “search-related

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information”? (i.e. WHAT is different from data specified based on the search tree data?) Also, is the “separately from the data constituted with the search tree data and the plurality of sets of substance data specified based upon the search tree data” the further limitation of “substance data”, “search-related information” or “the search tree data”?

Further clarification is required. (e.g.: change “and is different from data specified based upon the search tree data” to “and which said XXX is different from data specified...”).

**Claim 1** recites “providing a set of substance data, which has search-related information and is different from data specified based upon the search tree data, separately from the data constituted with the search tree data and the plurality of sets of substance data specified based upon the search tree data.” However, the term “search-related information” is not clear. Examiner can not find the support definition for the term. “Search-related information” is confusing and not clear, which leaves the examiner in doubt about the features to which they refer.

Clarification is required.

**Claim 1** recites “providing a set of substance data...” (claim 1, line 6), “when updating a set of substance data...” (claim 1, lines 9-10) and “or adding a set of substance data to the search data” (claim 1, lines 10-11). Do they refer to the same thing? if they are, “a set of substance data” in claim 1, lines 9-10 and claim 1, lines 10-11 should change to “the set of substance data”. Clarification is required.



Claims 3 and 13 are objected for all the similar reasons as above.

**Claims 2 and 3** recite "...without updating the search tree data or creating new search tree data..." which is a **negative limitation** (e.g.: "without") and should be positively recited in the specification. However, examiner can not find the limitation in the specification. Appropriate correction is required.

5. **Claims 1-2** are objected to because of the following informalities: the claims cite methods;

however, it is unclear as to *how* these methods are executed or implemented. They fail to (1) **clearly** positively recite the statutory class to which they are tied to, or (2) **clearly** transform underlying subject matter (such as an article or material) to a different state or thing.

The methods relate to "providing data constituted with search tree data and a plurality of sets of substance data...executing a substance data search..." However, these can be interpreted as being embodied in software and **may not** belong to any statutory class. However, The Applicant's specification provides ample subject matter that can be used to clarify how the claimed methods are to be carried out; for example, Specification, paragraph [0010] disclose "...The navigation apparatus 1 has a connecting capability that enables it to connect with a communication device 4 such as a portable telephone. The navigation apparatus 4 can connect with a telephone line

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network 5 via the communication device 4 and can further connect with the server 6 via the...”

For purpose of examination, method claims 1-2 are interpreted to be executed within a processor and thus the claim inherently includes hardware for performance of the claimed steps, and it is tied to a particular machine as a result.

**However**, to clarify applicant’s claimed subject matter, applicant **should positively recite in the claim** patent eligible subject matter that falls within one of the four statutory categories of invention recited in 35 USC 101” process, machine, manufacture and composition of matter.

Further clarification and appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (U.S. Pub. No.: US 2002/0013658 A1, hereinafter, Tanaka).**

**For claim 1, Tanaka discloses an update method for updating search data used in a navigation apparatus, comprising:**

**providing data constituted with search tree data and a plurality of sets of substance data specified based upon the search tree data, as search data prior to**

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**an update** (Tanaka: page 1, paragraph [0003], “location names of various facilities are preliminarily stored as a search list...”, paragraph [0006], “...by the use of a search list, which stores data of names of locations, coordinates of locations, types of facilities and the like”, page 2, paragraph [0029], “The navigation system also has a map data input unit 6 for retrieving the map data from a map data memory medium (not shown)”); **and**

**providing a set of substance data, which has search-related information and is different from data specified based upon the search tree data, separately from the data constituted with the search tree data and the plurality of sets of substance data specified based upon the search tree data, when updating a set of substance data in the search data or adding a set of substance data to the search data** (Tanaka: page 1, paragraph [0009], “...When a user inputs a new location other than the plurality of locations, the navigation system registers and stores data of the new location in the rewritable memory in addition to the data of the plurality of locations...”, page 2, paragraph [0029], “...has a map data input unit 6 for retrieving the map data from a map data memory medium...”, paragraph [0038], “...a memory location is registered in a search list separate from an original search list, which pre-stores names of locations such as facilities, in place of updating an original search list...”, page 3, paragraph [0045], “...This search list includes,

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for instance, a series of data of the name, coordinate (latitude and longitude), area, facility type and the like...”, page 3, paragraph [0047], “...retrieves at step 501 the data of name, area and facility type of the new location specified by the user... then updates the search list a step 502 with those new retrieved data...”, page 2, paragraph [0039], “...the control unit 8 then forms a new search list...**separately** from the original search list”); **and**

**executing a substance data search by using both the search tree data of the search data prior to an update and the search-related information of the provided set of substance data** (Tanaka et al.: page 2, paragraph [0040], “The control unit 8 executes the alphabet-based search...and searches for the target location from the input location name at step 402 by using **both** the original (normal) search list and **the new search list**...”).

**For claim 2, Tanaka discloses an update method for updating search data used in a**

**navigation apparatus according to claim 1, further comprising:**

**storing the provided set of substance data having search-related information as update data in the navigation apparatus separately from the search tree data and the plurality of sets of substance data specified based upon the search tree data, without updating the search tree data or creating new search tree data** (Tanaka: page 1, paragraph [0009], “...originally stores data of a

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plurality of locations. When a user inputs a new location other than the plurality of locations, the navigation system registers and stores data of the new location in the rewritable memory in addition to the data of the plurality of locations...”, page 3, paragraph [0047], “retrieves at step 501 the data of name, area and facility type of the new location specified by the user as well as the location data such a coordinate specified by the cursor. The control unit 8 then updates the search list a step 502 with those new retrieved data.”, page 2, paragraphs [0033]-[0040]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3-5, 7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pub. No.: US 2002/0013658 A1, hereinafter, Tanaka), in view of Miyahara (U.S. Pub. No.: U.S. 2003/0028316).**

**For claim 3, Tanaka discloses a search data update system, comprising:**

**a navigation apparatus that uses search data** (Tanaka: paragraph [0007], “to provide a navigation system, in which registered locations input by users can be made a subject of an alphabet-based search”,

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paragraph [0008], "to provide a navigation system, in which registered locations input by users can be made a subject of a facility search or a surroundings search based on a facility type-based search."); and

**a search data providing apparatus that provides update data to be used to update the search data to the navigation apparatus** (Tanaka: page 2, paragraph [0035]), wherein:

**the navigation apparatus includes a first storage device at which first search data constituted with search tree data and a plurality of sets of substance data each specified based upon the search tree data are stored, a second storage device and an update data obtaining device that obtains the update data to be used to update the search data from the search data providing apparatus** (Tanaka: page 1, paragraph [0009], "...has a rewritable memory which originally stores data of a plurality of locations...the navigation system registers and stores data of the new location in the *rewritable memory* in addition to the data of the plurality of locations...", page 2, paragraph [0029], "...retrieving the map data from a *map data memory medium*...", paragraph [0032], "...For registering the new location...This specified location is registered as a *memory location*...", paragraph [0038], "a *memory location* is registered in a search list separate from an original search list, which pre-

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stores names of locations such as facilities, in place of updating an original search list (first embodiment)");

**include attached thereto information to be used in a search in correspondence to each set of substance data, and are different from data specified based upon the search tree data** (Tanaka: page 2, paragraph [0032], "A new location is registered ...This specified location is registered as a memory location.", page 3, paragraph [0047], "retrieves at step 501 the data of name, area and facility type of the new location specified by the user as well as the location data such a coordinate specified by the cursor. The control unit 8 then updates the search list a step 502 with those new retrieved data.", page 3, paragraph [0044], "The surrounding location may be limited to be within a fixed radius from the specified location.", .", page 2, paragraph [0039], "...the control unit 8 then forms a new search list...**separately** from the original search list");

**upon obtaining the update data from the search data providing apparatus, the update data obtaining device stores the obtained update data into the second storage device separately from the first search data, without updating the search tree data or creating new search tree data** (Tanaka: page 1, paragraph [0009], "a navigation system has a rewritable memory which originally stores data of a plurality of locations. When a user inputs a new location other than the plurality of locations, the

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navigation system registers and stores data of the new location in the rewritable memory in addition to the data of the plurality of locations.”, page 2, paragraphs [0033]-[0040]); and

**the navigation apparatus further includes a search device that executes a substance data search by using both the search tree data the first search data stored in the first storage device and the information to be used in a search attached to each set of substance data of the update data stored in the second storage device, in correspondence to input of character for search** (Tanaka: page 1, paragraph [0009], page 2, paragraph [0032], “A new location is registered by the control unit 8 as shown in FIG. 3. For registering the new location”, paragraph [0033], “The control unit 8 retrieves the name and data of the registered location at step 101.” page 2, paragraphs [0033]-[0040], (note: “information to be used” can be broadly interpreted as ANY information and data: e.g. search tree data)).

**However, Tanaka does not explicitly disclose the update data are provided in units of individual sets of substance data.**

**Miyahara discloses the update data are provided in units of individual sets of substance data** (page 1, paragraph [0010], “producing the map data divided into a plurality of sets of map data that are mutually-independent set by set, the divided map data being stored in the server”).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Navigation system and method capable of registering new locations" as taught by Tanaka by implementing "Satellite navigation system of which map data are partially updateable" as taught by Miyahara, because it would provide Tanaka's system with the enhanced capability of "to greatly reduce an amount of data to be re-loaded when map data is updated." (Miyahara: page 1, paragraph [0010]).

**Claim 13** is rejected as substantially similar as claim 3, for the similar reasons.

**For claim 4, Tanaka discloses a modified search data update system according to claim 3, wherein:**

**upon obtaining new update data, the update data obtaining device in the navigation apparatus sorts entire update data including the new update data and the update data already stored in the second storage device based upon the information to be used in a search and stores the sorted update data in the second storage device** (Tanaka: page 1, paragraphs [0009], [0010], page 2, paragraph [0031], "...search list is stored in the form of search tree so that the target location is searched for in the Japanese alphabetical order...", paragraph [0035], "searches for the target location from the input location name at step 202 by using the *updated search list*.", paragraph [0039], where "second storage device" is read on "rewritable memory").

**For claim 5, Tanaka discloses a modified search data update system according to claim 3 wherein:**

**the navigation apparatus further includes a control device that executes navigation processing including route search and route guidance by using the substance data obtained via the search device (Tanaka: page 1, paragraphs [0003], [0004], page 2, paragraph [0030]).**

**For claim 7, Tanaka discloses a modified search data update system according to claim 3.**

**However, Tanaka does not disclose wherein: once a number of sets of update data having been obtained becomes equal to or greater than a predetermined value, the update data obtaining device in the navigation apparatus obtains a new version of first search data constituted with new search tree data and a plurality of sets of substance data containing substance data in the update data each specified based upon the new search tree data and stores the new version of first search data thus obtained into the first storage device.**

**Miyahara discloses wherein: once a number of sets of update data having been obtained becomes equal to or greater than a predetermined value, the update data obtaining device in the navigation apparatus obtains a new version of first search data constituted with new search tree data and a plurality of sets of substance data containing substance data in the update data each specified based upon the new search tree data and stores the new version of first search**

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**data thus obtained into the first storage device** (Miyahara: page 6, paragraphs [0096]-[0098]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Navigation system and method capable of registering new locations" as taught by Tanaka by implementing "Satellite navigation system of which map data are partially updateable" as taught by Miyahara, because it would provide Tanaka's system with the enhanced capability of "to enable each navigating terminal (i.e., a user) to make reference to the newest versions of maps" (Miyahara: page 1, paragraph [0005]).

**For claim 9, Tanaka discloses a modified search data update system according to claim 3, wherein:**

**the update data obtaining device in the navigation apparatus transmits to the search data providing apparatus information indicating a range of search data to be updated; and if update data are available over the range of search data to be updated indicated in the received information, the search data providing apparatus provides the update data over the range to the navigation apparatus** (Tanaka: page 3, paragraph [0044], "The surrounding location may be limited to be within a fixed radius from the specified location.", where "may be limited" indicates it can update over a fixed radius, page 2, paragraph [0032], page 3, paragraphs [0045]- [0047]).

**For claim 10, Tanaka discloses a modified search data update system according to claim 3.**

**However, Tanaka does not explicitly disclose wherein: the update data obtaining device in the navigation apparatus transmits to the search data providing apparatus information related to a version of the update data stored in the second storage device; and if a newer version of substance data than the version indicated in the received information is available, the search data providing apparatus provides the update data corresponding to the newer version of the substance data to the navigation apparatus.**

**Miyahara discloses wherein: the update data obtaining device in the navigation apparatus transmits to the search data providing apparatus information related to a version of the update data stored in the second storage device (Miyahara: page 6, paragraphs [0096] and [0097]); and if a newer version of substance data than the version indicated in the received information is available, the search data providing apparatus provides the update data corresponding to the newer version of the substance data to the navigation apparatus (Miyahara: page 6, paragraphs [0096]-[0098]).**

**For claim 11, Tanaka discloses a modified navigation apparatus in a search data update system according to claim 3 (Tanaka: page 1, paragraph [0007], page 2, paragraphs [0029]-[0030]).**

**For claim 12, Tanaka discloses a modified search data providing apparatus**

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**in a search data update system according to claim 3 (Tanaka: page 2, paragraphs [0029]-[0030]).**

8. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pub. No.: US 2002/0013658 A1, hereinafter, Tanaka), in view of Miyahara (U.S. Pub. No.: U.S. 2003/0028316) as applied to claim 3 above, and further in view of Saito et al. (U.S. Pub. No.: US 2003/0140309 A1, hereinafter, Saito)**

**For claim 6, Tanaka discloses a modified search data update system according to any claim 3.**

**However, Tanaka does not explicitly disclose wherein: once a number of sets of update data having been obtained becomes equal to or greater than a predetermined value, the update data obtaining device in the navigation apparatus provides an audio output or a display output notifying that the number of sets of update data is equal to or greater than the predetermined value.**

**Miyahara discloses wherein: once a number of sets of update data having been obtained becomes equal to or greater than a predetermined value, the update data obtaining device in the navigation apparatus that the number of sets of update data is equal to or greater than the predetermined value (Miyahara: page 6, paragraphs [0096]-[0098]).**

**However, Tanaka and Miyahara do not explicitly disclose providing an audio output or a display output notifying that the number of sets of update data is equal to or greater than the predetermined value.**

**Saito discloses providing an audio output or a display output notifying**  
(Saito: pages 11-12, paragraph [0203]-[0206]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Navigation system and method capable of registering new locations" as taught by Tanaka by implementing "Information processing apparatus, information processing method, storage medium, and program" as taught by Saito, because it would provide Tanaka's system with the enhanced capability of "for the user to update the database at any time desired." (Saito: page 11, paragraph [0201]).

9. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pub. No.: US 2002/0013658 A1, hereinafter, Tanaka), in view of Miyahara (U.S. Pub. No.: U.S. 2003/0028316) as applied to claim 5 above, and further in view of Hanon et al. (U.S. Pub. No.: US 2003/0231163, hereinafter, Hanon).**

**For claim 8, Tanaka discloses a modified search data update system according to claim 5.**

**However, Tanaka does not explicitly disclose wherein: the navigation apparatus further includes an input device with which a search key can be entered one character at a time, wherein: in correspondence to each character entered via the input device, the search device advances a search executed by using the search tree in the first search data, also compares the character with the information to be used in a search, which is contained in each of a plurality of**

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**sets of update data stored in the second storage device, and attaches a non-target index to each set of update data determined not to be a search target based upon comparison results.**

**Hanon discloses wherein: the navigation apparatus further includes an input device with which a search key can be entered one character at a time, wherein: in correspondence to each character entered via the input device, the search device advances a search executed by using the search tree in the first search data, also compares the character with the information to be used in a search, which is contained in each of a plurality of sets of update data stored in the second storage device, and attaches a non-target index to each set of update data determined not to be a search target based upon comparison results (Hanon: pages 8-9, paragraph [0106] and [0109]).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Navigation system and method capable of registering new locations" as taught by Tanaka by implementing "Interface for a multifunctional system" as taught by Hanon, because it would provide Tanaka's system with the enhanced capability of "attempts to complete the city or state name based on the letters input by the user." (Hanon: page 8, paragraph [0109]).

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YU ZHAO whose telephone number is (571)270-3427. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mahmoudi, Tony can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4427.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: 4/30/2009

/Yu Zhao/

Examiner, Art Unit 2169

/Yicun Wu/

Primary Examiner, Art Unit 2158